

[Certified Translation]

12/27/19
Daniel Tomlinson
DANIEL TOMLINSON
CERTIFIED TRANSLATOR
ADMINISTRATIVE OFFICE OF
THE UNITED STATES COURTS

COMMONWEALTH OF PUERTO RICO
TRIAL COURT
SAN JUAN SUPERIOR COURT

AUTHORITY DE ENERGIA ELECTRICA
DE PUERTO RICO, through is Executive Director,
Otoniel Cruz Carrillo.
Petitioner

VS.

Acquisition of a perpetual property right and easement
of 66,540.8952 square meters, equivalent to 16.9298
cuerdas; and one of 20,246.2848 square meters,
equivalent to 5.1512, on a piece of land located in
Barrio Boca, within the municipal boundary of
Guayanilla, with a surface area of 4,746,923.49 square
meters, equivalent to 1,207,747 cuerdas,

AND

TROPICAL FRUIT, S.E.; Banco de Desarrollo Economico
Para Puerto Rico; Puerto Rico Farm Credit, ACA; USDA
Rural Development; Commonwealth of Puerto Rico;
John Doe and Richard Roe
Interested parties

CASE NO. Kef2013-019
COURTROOM 1002

EXPROPRIATION

[Filing Stamp in Margin:
FEB 07 13 1:50 P.M. Civil Filing]

**COMMONWEALTH OF PUERTO RICO
TRIAL COURT
SAN JUAN SUPERIOR COURT**

PETITION

TO THE HONORABLE COURT

Comes now the Electric Power Authority, through its Executive Director, Otoniel Cruz Carrillo and, represented by its attorney who signs below, very respectfully states and prays:

1. This Expropriation proceeding is brought by the Electric Power Authority, represented by its Executive Director, Otoniel Cruz Carrillo, under the authority of and in harmony with the provisions of the General Expropriations Act of March 12, 1903, as amended, Act Number 95 of June 30, 2002 and Act Number 40 of May 1, 1945, as amended, Act Number 83 of May 2, 1941, as amended and Act Number 297 of December 25, 2002.
2. The Electric Power Authority is interested in acquiring a property and perpetual right of an easement over the property that is described in Exhibit "A" that is incorporated and made part of this Petition for the **Windmar Wind Project in Guayanilla, Puerto Rico**. The acquisition of the property that is the subject of this action constitutes a public need, because it complies with the purposes of the Electric Power Authority and the purposes for which it was created.
3. The acquisition of the right that is the subject of this action does not require the approval of the Puerto Rico Planning Board, according to Resolution Number JPE-22 of July 2, 1974 and its inclusive scope.
4. The fair and reasonable compensation that the petitioner estimates it should pay for the acquisition by easement of the property that is the subject of this proceeding is the sum of **Seventy-Five Thousand One Hundred Dollars (\$75,100.00)**, which it has deposited in the Clerk's Office of this Honorable Court upon filing this Petition so that it will be disbursed to the person or persons and/or entities with a right to it in the proportion that this Court deems proper.
5. The property that is the subject of this action is described in Exhibit "A," in which it indicates, furthermore, the fair and reasonable compensation that should be paid for it, designating the persons and/or entities that, on information and belief by the petitioner, have the right to the compensation that has been deposited, as owners or possible claimants of some interest in the property.

IN MERIT WHEREOF, the petitioner requests that this Honorable Court grant this petition and order and decree that:

a) From the date of the filing by the petitioner of the Declaration for Acquisition for the Acquisition and Material Delivery of the Property and of the deposit of the money it deems to be fair compensation for the properties that are the subject of this action, the Electric Power Authority be granted the right to an easement on the property described in Exhibit "A," which is attached and is made part of this Petition, with all of its cultivated fields, improvements, uses, accessions, structures, easements and fixtures including all right, title or interest that the persons and/or entities with an interest therein may have, to be dedicated to said public use.

b) The interested parties, their representatives, agents, employees, assignees or successors that may have possession of said property or are in charge of or seeing over it, deliver it and transfer it to the Electric Power Authority through its Executive Director or his authorized representatives within the term that this Honorable Court deems proper, from the time they are served with a copy of the Decision that this Honorable Court enters to that effect.

c) Determine and set the amount that should be paid by the petitioner herein and the persons entitled to it, as well as its distribution among them.

d) Any amount that may be owed for taxes are reserved for the Commonwealth of Puerto Rico and delivered to the Department of the Treasury.

e) Issue any other decision that may be proper at law.

In San Juan, Puerto Rico, June 28, 2012.

COMMONWEALTH OF PUERTO RICO
ELECTRIC POWER AUTHORITY
PO Box 363928
San Juan, PR 00936-3928
Tel. 787-521-5525 Fax 787-521-6574
h-serrano-djur@prepa.com

[Sgd.]
Atty. Hector Serrano Mangual
RUA 9185

**COMMONWEALTH OF PUERTO RICO
TRIAL COURT
SAN JUAN SUPERIOR COURT**

EXHIBIT – "A"

Summary of the description of the property to be expropriated as an easement, of the fair compensation to be deposited and the persons and/or entities with an interest in this proceeding.

EASEMENTS TO BE ESTABLISHED

CODING: 408-000-010-02

Description of the property to be acquired as an easement

Rústica: Servidumbre para el diseño, construcción y mantenimiento del **Proyecto Eólico Windmar en Guayanilla, Puerto Rico**, otros elementos y construcciones a fines a los propósitos de la Autoridad de Energía Eléctrica de Puerto Rico, radicado en el Barrio Boca, del término municipal de Guayanilla, Puerto Rico, con una cabida superficial de sesenta y seis mil quinientos cuarenta punto ocho nueve cinco dos (66,540.8952) metros cuadrados, equivalentes a dieciséis punto nueve dos nueve ocho (16.9298) cuerdas. Colindando por el:

Norte: Con finca propiedad de Tropical Fruit, S.E.;
Sur: Con finca propiedad de Tropical Fruit, S.E. y de Windmar Renewable Energy, Inc.;
Este: Con camino de tierra propiedad de Windmar Renewable Energy, Inc.;
Oeste: Con la carretera municipal PR-355R.

Geometric description of the property to be acquired as an easement

POINT	DIRECTION deg-min-sec	DIST. meter	COORDINATES		DESCRIPTION
			NORTH	EAST	
1			NORTE	ESTE	
1	S 79°51'20" E	103.416	216998.8421	157960.3338	SERV. AEE
2	S 70°18'09" E	750.779	216980.6275	158062.1328	SERV. AEE
3	S 85°29'30" E	676.811	216727.5753	158768.9807	SERV. AEE
4	S 13°03'33" W	239.317	216674.3743	159443.6977	SERV. AEE
5	S 01°10'39" W	62.791	216441.2464	159389.6219	SERV. AEE
6	S 19°23'34" E	66.012	216378.4681	159388.3317	SERV. AEE
7	S 23°36'36" E	653.673	216316.2012	159410.2505	SERV. AEE
8	S 21°07'00" E	179.004	215717.2454	159672.0515	SERV. AEE
9	S 24°37'35" E	104.604	215550.2615	159736.5414	SERV. AEE
10	S 13°17'39" E	27.123	215455.1718	159780.1296	SERV. AEE
11	S 64°34'21" W	15.388	215428.7759	159786.3665	SERV. AEE
12	N 13°17'39" W	28.987	215422.0828	159772.2883	SERV. AEE
13	N 24°37'35" W	103.559	215450.1959	159765.6457	SERV. AEE
14	N 21°07'00" W	179.141	215544.3354	159722.4930	SERV. AEE
15	N 23°36'36" W	653.901	215711.4465	159657.9539	SERV. AEE
16	N 19°23'34" W	69.339	216310.6116	159396.0614	SERV. AEE
17	N 01°10'39" E	67.143	216376.0164	159373.0381	SERV. AEE
18	N 13°03'33" E	207.789	216443.1451	159374.4177	SERV. AEE
19	N 85°29'30" W	660.881	216645.5602	159421.3694	SERV. AEE
20	N 70°18'09" W	752.296	216697.5090	158762.5335	SERV. AEE
21	N 79°51'20" W	100.869	216951.0725	158054.2572	SERV. AEE
22	N 10°08'40" E	30.480	216968.8385	157954.9653	SERV. AEE
1			216998.8421	157960.3338	SERV. AEE
AREA = 66,540.8952 METERS ²			--- 16.9298 CUERDAS		

Description of the property to be acquired as an easement

Rústica: Servidumbre para el diseño, construcción y mantenimiento del **Proyecto Eólico Windmar en Guayanilla, Puerto Rico**, otros elementos y construcciones a fines de los propósitos de la Autoridad de Energía Eléctrica de Puerto Rico, radicado en el Barrio Boca, del término municipal de Guayanilla, Puerto Rico, con una cabida superficial de veinte mil doscientos cuarenta y seis punto dos ocho cuatro ocho (20, 246.2848) metros cuadrados, equivalentes a cinco punto uno cinco uno dos (5.1512) cuerdas.

Colindando por el:

Norte: Con finca propiedad de Tropical Fruit, S.E.;
Sur: Con finca propiedad de Tropical Fruit, S.E. y de Windmar Renewable Energy, Inc.;
Este: Con camino de tierra propiedad de Windmar Renewable Energy, Inc.;
Oeste: Con la carretera municipal PR-355R.

Geometric description of the property to be acquired as an easement

POINT	DIRECTION deg-min-sec	Dist. meter	COORDINATES		DES- CRPTION
			NORTH	EAST	
4			216674.3743	159443.6977	SERV. AEE
	S 85°29'30" E	15.411			
23			216673.1629	159459.0613	SERV. AEE
	S 13°03'33" W	240.023			
24			216439.3476	159404.8261	SERV. AEE
	S 01°10'39" W	58.440			
25			216380.9199	159403.6253	SERV. AEE
	S 19°23'34" E	62.686			
26			216321.7908	159424.4395	SERV. AEE
	S 23°36'36" E	653.443			
27			215723.0453	159686.1486	SERV. AEE
	S 21°07'00" E	178.869			
28			215556.1875	159750.5898	SERV. AEE
	S 24°37'35" E	105.649			
29			215460.1478	159794.6135	SERV. AEE
	S 13°17'39" E	25.358			
30			215435.4691	159800.4447	SERV. AEE
	S 64°34'21" W	15.588			
11			215428.7759	159786.3665	SERV. AEE
	N 13°17'39" W	27.123			
10			215455.1718	159780.1296	SERV. AEE
	N 24°37'35" W	104.604			
9			215550.2615	159736.5414	SERV. AEE
	N 21°07'00" W	179.004			
8			215717.2454	159672.0515	SERV. AEE
	N 23°36'36" W	653.673			
7			216316.2012	159410.2505	SERV. AEE
	N 19°23'34" W	66.012			
6			216378.4681	159388.3317	SERV. AEE
	N 01°10'39" E	62.791			
5			216441.2464	159389.6219	SERV. AEE
	N 13°03'33" E	239.317			
4			216674.3743	159443.6977	SERV. AEE

AREA = 20,246.2848

METERS ²

5.1512 CUERDAS

The easements described above are established on property number 2,614, recorded at page 243 of volume 171 of Guayanilla, Property Registry, Ponce Section II.

The easements petitioned for do not affect structures.

INTERESTED PERSONS OR ENTITIES

COMPENSATION

1. TROPICAL FRUIT, S.E.

\$75,100.00

Recorded Owner

Mailing Address: Central San Francisco,
Box 560572, Guayanilla,
PR 00656-0572

Physical Address: Carr. 335 Km 8.0
Barrio Boca, Guayanilla, PR 00656

Tel.: (787) 835-1950

**2. BANCO DE DESARROLLO ECONÓMICO
PARA PUERTO RICO**

Mortgagee

Physical Address: Calle Aldebarán #638,
Urb. Altamira, San Juan,
P.R. 00922-2134

Mailing Address: PO Box 2134
Rio Piedras, P.R. 00922

Attention: Ms. Annette Montoto, President

Tel.: (787) 641-4300

Fax: (787) 641-4287.

3. PUERTO RICO FARM CREDIT, ACA

Mortgagee

Physical Address: Ave. Domenech #213,
Hato Rey, PR 00918.

Mailing Address: PO Box 363649
San Juan, PR 00936-3649

4. USDA RURAL DEVELOPMENT, previously Farmer's Home Administration

Mortgagee

Physical Address: Ave. Muños Rivera 654,
Off. 601, Hato Rey, PR 00918.

Attention: Mr. Jose A Otero, Executive Director

Tel. (787) 766-5095

**COMMONWEALTH OF PUERTO RICO AND/OR
THE MUNICIPAL TAX COLLECTION CENTER**

For the property taxes that are owed.

JOHN DOE AND RICHARD ROE

Fictitious names used to designate any unknown person and/or entities
with a possible interest in this action.

PURPOSE OF THE EXPROPRIATION

Windmar Wind Project in Guayanilla, Puerto Rico: Installation of power evacuation lines from the Wind Project to the Point of Interconnection.

[Certified Translation]

12/27/19
Daniel Tomlinson
DANIEL TOMLINSON
CERTIFIED TRANSLATOR
ADMINISTRATIVE OFFICE OF
THE UNITED STATES COURTS

**COMMONWEALTH OF PUERTO RICO
TRIAL COURT
SAN JUAN SUPERIOR COURT
MOTION FOR THE ACQUISITION AND MATERIAL DELIVERY
OF THE PROPERTY**

BEFORE THE HONORABLE COURT:

Comes now the Electric Power Authority, represented by its Executive Director and through its attorneys who sign below, and respectfully states and prays:

1. At the request and petition of the Electric Power Authority, a Petition for Expropriation has been filed in the Clerk's Office of this Honorable Court against the persons and/or entities with an interest in this case, for the acquisition of the absolute right that is described in Exhibit "A," that is attached to said Petition.
2. The Electric Power Authority has an urgent need to obtain immediate possession of the property or right of the interested parties, their agents, successors, proxies or any other in possession thereof.
3. A Declaration for the Acquisition and Material Delivery of the Property is attached and made a part of this Motion in accordance with what is provided in Section (a) of the General Expropriation Act of March 12, 1903, as it has been amended, and the amount that was deemed that should be paid as fair and reasonable compensation for the expropriation of the absolute right to title that is the subject of this action, was deposited in the Clerk's Office of this Honorable Court.

BASED ON WHAT HAS BEEN STATED, the petitioner requests this Honorable Court to order and decree that:

- a) Title to the absolute right that is the subject of this proceeding has been granted in favor of the Electric Power Authority, to be dedicated to the public use that is the reason for this proceeding.

- b) This Honorable Court order the delivery of said title to said absolute right to the Electric Power Authority, within a term of no more than five (5) days from the date of notice of the Decision that is issued by this Honorable Court to that effect, to the interested parties, or in their stead, to the person or persons that are in charge of the property.
- c) Order, furthermore, that the corresponding Property Registrar record in favor of the Electric Power Authority the right to absolute title free of all types of encumbrances, liens, mentions, annotations, reserves or defects or any kind or nature.

Also, enter any additional orders that it deems relevant and that are proper according to law.

In San Juan, Puerto Rico, June 28, 2012

COMMONWEALTH OF PUERTO RICO
ELECTRIC POWER AUTHORITY
PO Box 363928
San Juan, PR 00936-3928
Tel. 787-521-5525 Fax 787-521-6574
h-serrano-djur@prepa.com

[Sgd.]
Atty. Hector Serrano Mangual
RUA 9185

[Certified Translation]

12/27/19
Daniel Tomlinson
DANIEL TOMLINSON
CERTIFIED TRANSLATOR
ADMINISTRATIVE OFFICE OF
THE UNITED STATES COURTS

COMMONWEALTH OF PUERTO RICO
TRIAL COURT
SAN JUAN SUPERIOR COURT

DECLARATION FOR THE ACQUISITION AND MATERIAL DELIVERY
OF THE PROPERTY

BEFORE THE HONORABLE COURT:

Comes now the Executive Director, Otoniel Cruz Carrillo and, in representation of the Electric Power Authority of Puerto Rico (hereinafter, the Authority), declares that:

1. The property that is the subject of this expropriation proceeding is acquired by the Authority so that it may carry out the purposes for which it was created. The acquisition of the property that is the subject of this proceeding is for public need and use, because it complies with the Authority's purpose.
2. The interest that the Authority proposes to acquire in said property for said public purpose, is the easement right to it, including all of its uses, cultivated fields, existing easements and fixtures to carry out the **Windmar Wind Project in Guayanilla, Puerto Rico**.
3. The property to be expropriated is described in Exhibit "A" that is attached to the Petition that is incorporated in this Declaration by reference.
4. The sum that the Authority deems as fair and reasonable compensation for the property that is the subject of this proceeding, including all of its improvements and fixtures, is **Seventy-Five Thousand One Hundred Dollars (\$75,100.00)**, which is included herein so that the sum will be deposited in the Clerk's Office of this Honorable Court at the disposal of the interested party or in favor of or for the benefit of any natural person or entity that is entitled to said compensation in the proportion and in the manner that this Honorable Court properly determines.
5. The appearing party certifies that, in his opinion, the amount that is definitively set by this Honorable Court for the property that is the subject of this action, will be a total contained within the limits provided by the Puerto Rico Legislative Assembly as regards the price to be paid for said property.
6. The acquisition of the right that is the subject of this action requires the approval of the Puerto Rico Planning Board, according to Resolution Number JPE-22 of July 2, 1974 and its inclusive scope.

7. The Authority has an urgent need to obtain immediate ownership of the property that is the subject of this expropriation and that it be given immediately material possession and public use that is the reason for the expropriation.

BASED ON THIS, for the purpose of the expropriation that is sought within this action, and in accordance with what is provided in Section 5 (a) of the General Expropriation Act, passed on March 12, 1903, as amended, I sign this Declaration having also stamped the official seal of the Authority on it.

In San Juan, Puerto Rico, on JUNE 28, 2012.

[Sgd.]

Otonie Cruz Carrillo
Executive Director
Puerto Rico Electric Power Authority

[Sgd.]

Maria V. Mercado Rondon
Assistant Secretary

[Sgd.]

Heydsha M. Eckert de Colon
Corporate Secretary
Governing Board

[Certified Translation]

12/27/19
Daniel Tomlinson
DANIEL TOMLINSON
CERTIFIED TRANSLATOR
ADMINISTRATIVE OFFICE OF
THE UNITED STATES COURTS

**COMMONWEALTH OF PUERTO RICO
TRIAL COURT
SAN JUAN SUPERIOR COURT**

DECISION

- WHEREAS:** The Electric Power Authority, represented by its Executive Director, Otoniel Cruz Carrillo, has filed with this Court a Petition for expropriation for the acquisition as an easement of the property that is described in Exhibit "A" of the Petition, for the use and benefit of the Electric Power Authority, which is incorporated in this Decision by reference and as if it were literally transcribed herein, accompanied by a Motion and a Declaration for the Acquisition and Material Delivery of the Property, in which it is requested that this Court decree, decide and order that, after the filing of said Declaration and the deposit of the sum of money that the petitioner deems fair and reasonable compensation for the property described in Exhibit "A," the right of an easement on the property be granted to the Electric Power Authority.
- WHEREAS:** It appears to the satisfaction of the Court that the Petitioner, in accordance with the General Expropriation Act dated March 12, 1903, as amended; and Act No. 95 dated June 30, 2002, and Act 40 of May 1, 1945, as amended, for the use and benefit of the Electric Power Authority it is empowered to acquire, by expropriation, properties such as the one that is the subject of this action to dedicate it to the use that is established and explained in the Petition filed in this case.
- WHEREAS:** The petition and Declaration for the Acquisition and Material Delivery of the Property, as well as the laws previously cited, determine the authority and the public use under which and for which it is interested in acquiring said property.
- WHEREAS:** The Declaration for the Acquisition and Material Delivery of the Property contains the sum of money that the petitioner deems to be fair and reasonable compensation for the acquisition as an easement of the property that is described in Exhibit "A," which is in

the amount of **Seventy-Five Thousand One Hundred Dollars (\$75,100.00)**, a sum that has been deposited in the Clerk's Office of this Court together with the Petition and Declaration for the Acquisition and Material Delivery of the Property, for the use and benefit of the persons entitled thereto, in the proportion that results pursuant to Section 5(a) of the General Expropriation Act of March 12, 1903, as amended.

WHEREAS: The description of the property that is the subject of this proceeding appears, in a sufficient manner for its identification, in Exhibit "A" filed by the petitioner with the Declaration for the Acquisition and Material Delivery of the Property, indicating therein the description, area, boundaries and the history of title as far as it has been possible for the petitioner to determine it.

WHEREAS: The Declaration for the Acquisition and Material Delivery of the Property contains the interest that the petitioner is proposing to acquire in said property for said public purpose, that is the easement on the property, containing, also, a certification of the Executive Director of the Electric Power Authority establishing that the sum that is definitively set by this Court as fair and reasonable compensation for the property that is the subject of this action along with all its cultivated fields, uses and fixture, will be contained within any of the limits provided by the Puerto Rico Legislative Assembly for those purposes, and the Decision of the Governing Board of the Puerto Rico Electric Power Authority.

WHEREAS: The purpose for which it is interested in expropriating the property that is the subject of this proceeding is that of carrying out the **Windmar Wind Project in Guayanilla, Puerto Rico**, and is included within the limits provided by the statutes under which authority this proceeding is conducted.

WHEREAS: The acquisition of the right that is the subject of this action does not require the approval of the Puerto Rico Planning Board, according to Resolution Number JPE-22 of July 2, 1974 and its inclusive scope.

WHEREAS: Today the Court hereby declares, orders and decrees that:

- a. The easement right to the property that appears described in Exhibit "A" filed and incorporated in the Declaration for the Acquisition and Material Delivery of the

Property, is granted to the Electric Power Authority from the time when said Declaration was filed and the sum that the petitioner deems as fair and reasonable for the acquisition by easement of the property described therein was deposited in the Clerk's Office of this Court.

- b. Said property is expropriated and the easement right to it is granted to the Electric Power Authority, for the use and benefit of the Agency and the right to fair compensation for the property being acquired belongs to the interested parties in this case or to the natural persons and/or entities that may be entitled to said compensation, the amount and distribution thereof is subject to being definitively determined within this Proceeding by means of a judgment that at the proper time is entered by this Court.
- c. The Puerto Rico Electric Power Authority has the easement right to the property described in Exhibit "A," which the interested persons and/or entities must materially deliver, for all the legal objectives and purposes, to the Puerto Rico Electric Power Authority through its authorized representatives, for which this Court grants a term of Fifteen (15) days running from the date of the notice of this Decision given to the interested persons and/or entities
- d. This case will be open for any order, judgment or additional decree that may be necessary to be entered for the due compliance thereof and in relation thereto.
- e. The corresponding Property Registrar must record in favor of the Electric Power Authority, the easement right on the property described in EXHIBIT "A" of the petition, free of all types of encumbrances, liens, mentions, annotations, reservations or defects of any nature, except those in favor of the Commonwealth of Puerto Rico or its instrumentalities.

IT IS FURTHER ORDERED, that the corresponding writ be issued through the Clerk's Office of this Court in order to give notice and immediately deliver a copy of this Decision to the interested parties, or in their stead, to the person or persons in charge of the properties.

And for it to proceed, furthermore, to issue a copy of this Decision, and of Exhibit "A" to the corresponding Property Registrar so that he may record, according to the terms of this Decision, the right to an easement on said property.

RECORD AND PROVIDE NOTICE.

Issued in San Juan, Puerto Rico, on _____, 2012.

SUPERIOR COURT JUDGE